

OLC RECORD COPY

OLC 78-2002/4

23 June 1978

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MEMORANDUM FOR THE RECORD

SUBJECT: Department of State Authorization Legislation

1. In response to the request of 22 June from the Office of Management and Budget that we provide our views on the proposed Administration positions concerning provisions in the Department of State Authorization legislation (S. 3076), the following views were provided to Ms. Tracey Cole after coordination within the Agency (Acting Legislative Counsel, DDO, DDS&T, OGC and the Acting Director):

a. Section 119, amendments to the Role of the Ambassador legislation (22 U.S.C. 2680a)--We supported the proposed Administration position in opposition to section 119. It was recommended, however, that a sentence along the following lines be included: "It is the Administration's position that there is agreement between CIA and the Department of State regarding responsibilities of Ambassadors concerning CIA." It was noted such a sentence would be consistent with our earlier meetings with OMB and Department of State representatives on this matter, and with testimony by the Department before the Senate Foreign Relations Committee.

b. Subsection 501(a), amendments to the Case/Zablocki Act--Although OMB had not provided a proposed Administration position on this subsection, it is our understanding, based on our earlier meetings and conversations with OMB and the Department of State, that the Administration would oppose inclusion of this subsection in the legislation. (Subsection (a) would require that oral agreements be reduced to writing and reported to the Congress as "international agreements.")

c. Subsections 501(c) and (d), amendments to the Case/Zablocki Act--The proposed Administration position given to us by OMB would provide that, in lieu of requiring international agreements obtain the "prior approval" of the President or the Secretary of State, such agreements be made "in consultation with" the President or the Secretary of State, and that such consultation could extend to a class of agreements. We would not interpose an objection to subsection 501(c) so amended, provided that subsection 501(d) were amended to delete the requirement as provided in the bill that the rules and regulations to implement in furtherance of the Case/Zablocki

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Act be implemented by the President through the Secretary of State. In other words, the Administration should propose that the President would implement the rules and regulations in furtherance of the Act without requiring that this be done through the Secretary of State.

d. It was recommended that, as regards all of the above issues, the position of the Administration as transmitted to the Congress should include a statement to the effect that these provisions are not appropriate for legislation (i.e., the Congress has provided already in statute for Ambassadors to be kept informed of activities and for international agreements to be transmitted to the Congress, but that the specific implementing arrangements and requirements in furtherance thereof are properly the subject of Executive Branch action rather than legislation).


2. I told Ms. Cole that insofar as the above views had not been cleared by the Director, they should be taken as subject to possible change. I reiterated to Ms. Cole we expected to be informed of final action on this matter.



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Assistant Legislative Counsel

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